



Department of Energy

Washington, DC 20585

August 20, 2012

Branson Wieber
Mudrock News
Dept MR 1725
PO Box 55819
Boston, MA 02205-5819

Re: HQ-2012-01781-F

Dear Mr. Weiber:

This is in further response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. 552. You asked for all documents pertaining to federal funds which have been spent on solar energy programs.

Your request has not been controlled as a FOIA request and assigned to a program office to process because it does not address the requirements of a proper FOIA request as stated at Title 10, Code of Federal Regulations (CFR), Section 1004.4.

The FOIA provides that a request must reasonably describe the records sought and be made in conformance with the procedural rules of the agency before the request shall, for purposes of the FOIA, be deemed to have been received by the agency. A description of a requested document would be sufficient if it enabled a professional employee, who is familiar with the subject area of the request, to locate the record with a reasonable amount of effort.

The DOE regulation that implements the FOIA provides, at 10 CFR 1004.4(c)(1), that a request "must enable the DOE to identify and locate the records sought by a process that is not unreasonably burdensome or disruptive of DOE operations." The regulation further states that, where possible, specific information regarding dates, titles, file designations, offices to be searched, and other information that may help identify the records should be supplied by the requester.

In your letter you asked for information about federal funds which have been spent on "solar energy programs." You have not reasonably described the documents that you seek. The request as written is too broad to permit DOE to search for specific documents responsive to your request. The DOE may have funded literally hundreds of solar projects across the Department. You may want to begin your search with the following web site: <http://www.usaspending.gov>. At this site, you can enter specific terms that relate to solar for the DOE. This should identify any solar program DOE has funded. From this site you can find names, companies, grants, loans,



contract numbers that may assist you to identify and locate the records you seek. Without specifics DOE cannot assign the request to the proper office.

In your letter you asked for a waiver of fees associated with the processing of the request. The FOIA provides that [d]ocuments shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government is not primarily in the commercial interest of the requester.” See 5 U.S.C. 552(a)(A)iii.

The DOE has implemented the statutory standard for fee waivers or reduced in the FOIA regulations at Title 10, Code of Federal Regulations (CFR), Section 1004.9(a)(8). Please address these standards if you would like to be considered for a waiver.

Factor 1. The subject of the request: Whether the subject of the requested records concerns “the operations or activities of the government.” The subject of the requested records must concern identifiable operations or activities of the government.” The subject of the requested records must concern identifiable operations or activities of the federal government, with a connection that is direct and clear, not remote.

Factor 2. The informative value of the information to be disclosed: Whether the disclosure is “likely to contribute” to an understanding of government operations or activities. The government operations or activities in order to be “likely to contribute” to an increased public understanding of those operations or activities.

Factor 3. The contribution to an understanding by the general public of the subject is likely to result from disclosure, taking into account your ability and intent to disseminate the information to the public in a form that can further understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

Factor 4. The significance of the contribution to public understanding: Whether the disclosure is likely to contribute to public understanding: Whether the disclosure is likely to contribute “significantly” to public understanding of government operations or activities.

Factor 5. The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure.

Factor 6. The primary interest in disclosure: Whether any identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure that disclosure is “primarily in the commercial interest of the requester.

For purposes of assessment of any fees, you were categorized under the DOE’s regulation that implements the FOIA at Title 10, Code of Federal Regulations (CFR), Section 1004.9(b)(3) as a “news media” requester. In this category, you will be charged fees for duplication only, excluding charges for the first 100 pages.

Please provide additional information to: (1) identify and locate the records you seek; (2) that you agree to pay any fees that may be incurred to process the request, or (3) address the fee waiver criteria. Please provide the information to Ms. Sheila Jeter of my staff. If she does not hear from you or receive the information by September 11, 2012, no further agency action will be taken on this request.

I appreciate the opportunity to assist you. Please contact Ms. Jeter on (202) 586-5061, if you have any questions about this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Alex C. Morris", with a stylized flourish at the end.

Alexander C. Morris
FOIA Officer
Office of Information Resources